

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

-

WRIT PETITION NO : 1022 of 2004

Between:

Makkuva Sridhar S/o late Suryanarayana
Z.P.T.C. Gajapathinagaram, Vizianagaram District

..... PETITIONER

AND

- 1 The District Collector, Vizianagaram District
- 2 The Revenue Divisional Officer, Vizianagaram, Vizianagaram District
- 3 The Mandal Revenue Officer, Gajapathinagaram Vizianagaram District
- 4 Executive Engineer (I and CAD) Vizianagaram, Vizianagaram district
- 5 Commissioner, I & CAD, Department A.P. Hyderabad
- 6 Sri Samanthula Pydiraju S/o Adinarayana, Cultivation, R/o Logisa Village of Gajapathinagaram Mandal, Vizianagaram District
- 7 Samanthula Venkataramana S/o chinnam Naidu
Cultivation R/o Logisa Village of Gajapathinagaram Mandal, Vizianagaram District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Certiorari calling for the records relating to issuance of Proceedings in Rc. No. 825/02/D1, dt 29-10-2003 issued by the 1st respondent and to quash the same and consequently direct the 1st respondent to conduct elections forthwith for the water users Associations of Ramasagaram Tank and Balabhadrasagaram Tank of Logisa village, Gajapathinagaram Mandal, Vizianagaram District.

Counsel for the Petitioner: MR.K.SUBRAHMANYAM

Counsel for the Respondent Nos.1 to 5: GP FOR IRRIGATION & COMM AREA DEV.

Counsel for the respondent Nos.6 and 7: None appeared

The Court made the following :

ORDER:

The petitioner questions the action of the District Collector, first respondent herein, in adjourning the elections to the Water User Associations of Ramasagaram Tank and Balabhadrasagaram Tank of Gajapathinagaram Mandal, Vizianagaram District, in his proceedings dated 29.10.2003.

A perusal of the said proceedings goes to show that respondents 6 and 7 filed a petition before the Collector, who is the District Election Authority for Water User Associations in Vizianagaram district, stating that due to political rivalry their names, who were also ryots having lands under the ayacut of the said tanks, were deleted from the voters' list and, therefore, the voters' list prepared by the Water User Associations is not proper and some of the ayacutdars under the two tanks also denied the right of voting. The first respondent after recording their statements adjourned the elections to the Water User Associations of Ramasagaram Tank and Balabhadrasagaram Tank on the ground that certain eligible voters were not included in the voters' list in exercise of powers vested in him under Rule 37 in Chapter 3 of the A.P.Farmers Management of Irrigation Systems (Conduct of Elections) Rules, 2003 and the Mandal Revenue Officer, Gajapathinagaram is directed to enquire into the matter and submit a detailed report for taking further action.

As there is power under Rule 37 in Chapter 3 of the said Rules, I do not see any illegality in the said action of the first respondent in adjourning the elections. But, however, the elections cannot be

postponed to an indefinite period. Having regard to the facts and circumstances of the case, the Mandal Revenue Officer, Gajapathinagaram, is directed to submit his report, if not already submitted, within two weeks from the date of receipt of copy of this order. On such submitting the said report, the District Collector, Vizianagaram shall take steps for conducting elections to the Water User Associations of Ramasagaram Tank and Balabhadrasagaram Tank in accordance with law within six weeks thereof.

The writ petition is, accordingly, disposed of. No costs.

(V.ESWARAIAH, J.)

12.4.2005

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To

- 1 The District Collector, Vizianagaram District
- 2 The Revenue Divisional Officer, Vizianagaram, Vizianagaram District
- 3 The Mandal Revenue Officer, Gajapathinagaram Vizianagaram District
- 4 The Executive Engineer (I and CAD) Vizianagaram, Vizianagaram district
- 5 The Commissioner, I & CAD, Department A.P. Hyderabad
- 6 2 copies to the G.P. for Irrigation, High Court buildings, Hydeabad (O.U.T.).

7 2 C.D. copies